

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST, *et al.*,
individually and on behalf of a class of all others
similarly situated,

Plaintiffs,

v.

CITY OF BUFFALO, N.Y., *et al.*,

Defendants.

No. 1:18-cv-00719-CCR

STIPULATED MOTION TO AMEND SCHEDULING ORDER

The Parties respectfully move to amend the scheduling order to extend the expert discovery deadline from August 28, 2024 to October 4, 2024 and the motion to compel deadline from August 15, 2024 to September 10, 2024. *See* ECF Nos. 201, 216.

1. Under the present schedule, the current expert discovery deadline is August 28, 2024. ECF No. 216. The deadline for any motion to compel is August 16, 2024. ECF No. 216. The Court has set additional deadlines, leading to a dispositive motion deadline of September 24, 2024. ECF No. 216.

2. Plaintiffs have served Defendants with three expert reports, and Defendants have served Plaintiffs with two rebuttal expert reports. Each party plans to depose the other party's experts. The parties have conferred with each other and their experts with respect to scheduling those depositions.

3. In light of the Parties' travel schedules and work commitments in August and early September, and the travel and work schedules of the Parties' experts during this same time period,

the Parties request an extension of the expert discovery deadline to October 4, 2024. This would permit orderly scheduling of expert depositions in September.

4. Since the Parties' last request to extend the motion to compel deadline, the Parties have continued to work through voluminous supplemental discovery production related to GIVE grant reporting and documents related to Defendants' use of policing for criminal and gang enforcement. These documents are necessary to complete discovery and the deposition of the City pursuant to Fed. R. Civ. P. 30(b)(6). The Parties have agreed to an additional, limited 30(b)(6) deposition of BPD Chief William Macy on this topic, currently scheduled for August 16, 2024.

5. Processing and production of these files has taken Defendants longer than expected due to their large sizes, with the most recent production, consisting of hundreds of pages, made on August 13. Plaintiffs require additional time to analyze Defendants' production to determine whether it is complete.

6. The Parties are working together to identify and produce any remaining productions as efficiently and expeditiously as possible and believe that extension of the motion to compel deadline may enable them to resolve any remaining issues without court intervention.

7. Accordingly, the Parties respectfully request that the motion to compel deadline be extended from August 16, 2024 to September 10, 2024 and that the expert discovery deadline be extended from August 28, 2024 to October 4, 2024.

WHEREFORE, Plaintiffs respectfully request that the Court modify the schedule as proposed.

Dated: August 14, 2024

Respectfully Submitted,

/s/ Claudia Wilner

Claudia Wilner
Edward Krugman
Anjana Malhotra
NATIONAL CENTER FOR LAW
AND ECONOMIC JUSTICE
50 Broadway, Suite 1500
New York, NY 10004
212-633-6967
wilner@nclej.org
krugman@nclej.org
malhotra@nclej.org

Philip Irwin (*pro hac vice*)
Jordan Joachim (*pro hac vice*)
Christine Nelson (*pro hac vice*)
Andrew Timmick (*pro hac vice*)
COVINGTON & BURLING LLP
620 Eighth Avenue
New York, NY 10018
212-841-1000
pirwin@cov.com
jjoachim@cov.com
cnelson@cov.com
atimmick@cov.com

Matthew Alan Parham
WESTERN NEW YORK LAW CENTER
Cathedral Park Tower
37 Franklin Street, Suite 210
Buffalo, NY 14202
716-828-8415
mparham@wnylc.com

Chinyere Ezie
Baher Azmy
CENTER FOR CONSTITUTIONAL RIGHTS
666 Broadway, 7th Floor
New York, NY 10012
212-614-6475
cezie@ccrjustice.org
bazmy@ccrjustice.org

Attorneys for Plaintiffs

/s/ Peter Sahasrabudhe

Hugh M. Russ III
Peter A. Sahasrabudhe
Cheyenne Freely
HODGSON RUSS LLP
The Guaranty Building
140 Pearl Street – Suite 100
Buffalo, New York 14202
Telephone: (716) 856-4000
hruss@hodgsonruss.com
pshasra@hodgsonruss.com
cfreely@hodgsonruss.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2024, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Western District's Local Rules, and/or the Western District's Case Filing Rules & Instructions upon all counsel registered through the ECF System.

/s/ Claudia Wilner

Claudia Wilner
NATIONAL CENTER FOR LAW
AND ECONOMIC JUSTICE
50 Broadway, Suite 1500
New York, NY 10004
212-633-6967
wilner@nclej.org